

the supervision of this Department and that it be disposed of only in compliance with law, both Federal and State.

M. L. WILSON, *Acting Secretary of Agriculture.*

22040. Misbranding of canned pears. U. S. v. 242 Cases of Canned Pears. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31868. Sample nos. 54980-A, 58712-A.)

This case involved a shipment of canned pears which fell below the standard established by this Department, because of the presence of excessively trimmed pieces, and which were not labeled to indicate that they were sub-standard.

On January 20, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 242 cases of canned pears at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce by the National Fruit Canning Co., from Seattle, Wash., on or about November 20, 1933, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "National Red Bartlet Pears * * * Packed by National Fruit Canning Co., Seattle."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because of the presence of excessively trimmed pieces, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On January 31, 1934, the National Fruit Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$800, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22041. Misbranding of sirup. U. S. v. 35 Cases of Sirup. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31871. Sample no. 66714-A.)

This case involved a shipment of sirup, sample cans of which were found to contain less than the declared volume.

On January 23, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 cases of canned sirup at Denver, Colo., consigned by the General Food Sales Co., Inc., alleging that the article had been shipped in interstate commerce on or about July 1, 1933, from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Towles Log Cabin Syrup Log Cabin Products Co., Inc., Hoboken, N.J. Net Contents 12 Fl. Ozs."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 12 Fl. Ozs.", was false and misleading and deceived and misled the purchaser. Misbranding was further alleged in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On January 23, 1934, the General Foods Sales Co., Inc., having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22042. Adulteration of butter. U. S. v. 1 Barrel of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31900. Sample no. 54608-A.)

This case involved a shipment of butter that contained maggots, mold, straw, and other extraneous matter. Examination also showed that the article was deficient in milk fat.